UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CYRIL NNADOZIE OKOLI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 22-10316-NMG
SHANITA R. TUCKER, Field Office Director,	)	
U.S. Citizenship and Immigration Services; and	)	
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,	)	
	)	
Defendants.	)	

ORDER ON PLAINTIFF'S MOTION TO COMPEL
PRODUCTION OF THE ADMINISTRATIVE RECORD

December 15, 2022

DEIN, U.S.M.J.

This matter is before the court on plaintiff's "Motion to Compel Production of the

Administrative Record." (Docket No. 41). The plaintiff is seeking the Administrative Record in

order to challenge the decision of U.S. Citizenship and Immigration Services ("USCIS") finding

his marriage to have been a "sham" and denying his application for lawful permanent resident

("LPR") status. However, there is presently pending before the Court the "Defendants' Motion

to Dismiss" (Docket No. 33), wherein the defendants contend that this Court lacks jurisdiction

to address the merits of plaintiff's Complaint. If that motion is denied, the defendants have

agreed to produce the administrative record. The plaintiff has filed an opposition to the motion

to dismiss.

While the defendants have attached portions of the administrative record to their

Motion to Dismiss, such attachments merely reflect the rulings made in connection with

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plaintiff's application for LPR status. The fact that these decisions issued is undisputed. The

Motion to Dismiss does not seek the Court's substantive review of the merits of the decisions.

Plaintiff's Motion to Compel is DENIED WITHOUT PREJUDICE. It may be renewed after

the resolution of the Motion to Dismiss, if appropriate. Since the administrative record is not

necessary for the resolution of the Motion to Dismiss, it would be a waste of resources to

require the production of the administrative record at this time.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge